



FOLEY & LARDNER LLP
ATTORNEYS AT LAW
 11250 EL CAMINO REAL, SUITE 200
 SAN DIEGO, CA 92130
 P.O. BOX 80278
 SAN DIEGO, CALIFORNIA 92138-0278
 TELEPHONE: 858.847.6700
 FACSIMILE: 858.792.6773
 WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages: 19 (including this page)

TO:	PHONE #:	FAX #:
Examiner M. Ceperley – Art Unit 1641 Commissioner for Patents Alexandria, VA 22313-1450	(571) 272-0813	(703) 872-9306

From : Wesley B. Ames

Date : September 7, 2004

Client/Matter No : 063391-0202

User ID No : 0188

MESSAGE:

OFFICIAL

Re: Application Serial No. 10/049,164

Following are:

Amendment Transmittal/Petition for Extension of Time (3 pgs.-in dupl. = 6 pgs.);
 Response to Restriction Requirement and Preliminary Amendment (12 pgs.).

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Joy Day

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

SEP. 7. 2004 5:18PM 8587926773 FOLEY AND LARDNER

RECEIVED NO. 3726 P. 2
CENTRAL FAX CENTER

SEP 07 2004

Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli
Title: ACTIVITY BASED PROBE ANALYSIS
Appl. No.: 10/049,164
Filing Date: 10/21/2002
Examiner: M. Ceperley
Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Joy Day	(Printed Name)
<i>Joy Day</i>	
September 7, 2004	
(Date of Deposit)	

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Applicant claims Small Entity status under 37 C.F.R. § 1.27.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	36	-	36	= 0 x \$18.00 =	\$0.00
Independent Claims:	5	-	5	= 0 x \$86.00 =	\$0.00
				First presentation of any Multiple Dependent Claims: + \$290.00 =	\$0.00
	0			CLAIMS FEE TOTAL =	\$0.00

Atty. Dkt. No. 063391-0202

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[X] Extension for response filed within the first month:	\$110.00	1	\$110.00
[] Extension for response filed within the second month:	\$420.00	0	\$0.00
[] Extension for response filed within the third month:	\$950.00	0	\$0.00
[] Extension for response filed within the fourth month:	\$1,480.00	0	\$0.00
[] Extension for response filed within the fifth month:	\$2,010.00	0	\$0.00
	EXTENSION FEE TOTAL:		\$110.00
[] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	0	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$110.00
[X]	Small Entity Fees Apply (subtract ½ of above):		\$55.00
	TOTAL FEE:		\$55.00

[X] Please charge Deposit Account No. 50-0872 in the amount of \$55.00. A duplicate copy of this transmittal is enclosed.

[] A check in the amount of \$ _____ is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 063391-0202

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: September 7, 2004

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6714
Facsimile: (858) 792-6773

By



Wesley B. Ames
Attorney for Applicant
Registration No. 40,893

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.